

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RUSSELL ROSE,  
Petitioner,**

v.

**CASE NO. 2:06-cv-663  
JUDGE WATSON  
MAGISTRATE JUDGE KING**

**TIM BRUNSMAN, Warden,**

**Respondent.**

**OPINION AND ORDER**

On June 11, 2007, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. No. 17. Petitioner objects to all of the Magistrate Judge's recommendations. Petitioner again raises all of the same arguments previously presented. He also contends that the Magistrate Judge failed to review the entire record and that evidence improperly withheld by the prosecutor will support his habeas corpus petition.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to by petitioner. This Court has carefully reviewed the entire record. Nothing before this Court supports petitioner's allegation that evidence improperly withheld by the prosecutor supports any of the claims raised in this habeas corpus petition. Further, petitioner may not now amend his claim to include a claim of prosecutorial misconduct in these objections, because such allegation was not previously raised in these proceedings.

For the reasons discussed in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. Petitioner's request for an evidentiary hearing is **DENIED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**



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MICHAEL H. WATSON  
United States District Judge